



1972

Rhode Island Report on the Judiciary 1969-1972

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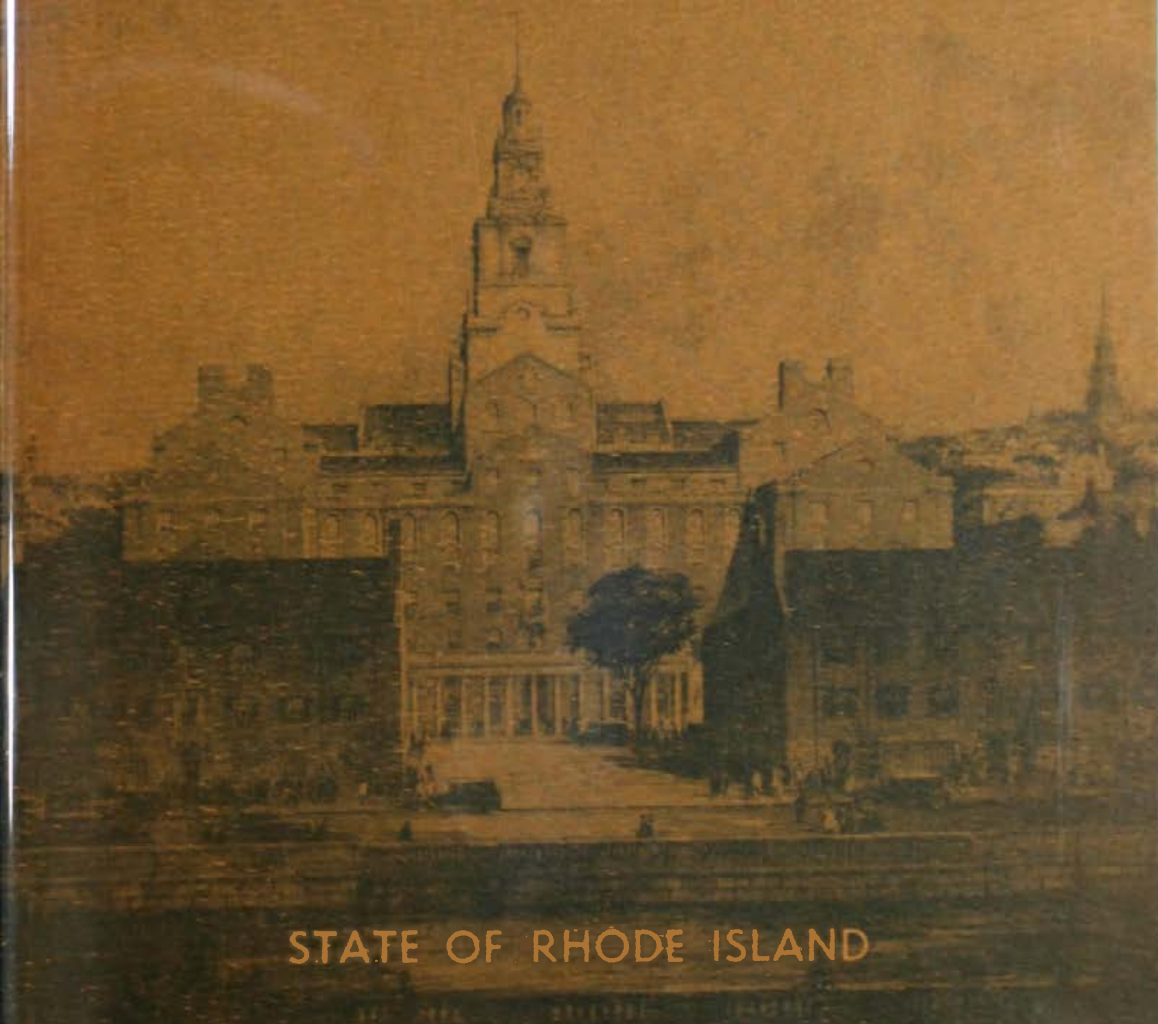
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Office of State Court Administration
c/o Rhode Island State Court
285 Benefit Street
Providence, Rhode Island 02903

REPORT ON THE JUDICIARY 1969-1972



STATE OF RHODE ISLAND



The Supreme Court

Providence

To the Honorable Members of the
Rhode Island General Assembly:

The Judicial Department in Rhode Island has never produced a comprehensive report on its activities in the preceding year. Several of the courts have produced reports on an individual basis. However, these were given only limited distribution, were largely statistical, and dealt only with the court involved. This was largely due to insufficient availability of personnel and other resources and the fact that no administrative agency was in a position to present a comprehensive picture of the total court system.

The following pages represent the beginning of a report to be prepared annually by the Office of the Court Administrator with the assistance of administrative personnel throughout the court system. The report is intended to inform our general officers and legislators, as well as the general public, of the accomplishments of the judiciary in the preceding years. I trust it will prove interesting as well as informative.

Sincerely,

Thomas H. Roberts
Chief Justice

Prepared by the
Office of the State Court Administrator
Room 705
Providence County Courthouse
Providence, Rhode Island 02903

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INTRODUCTION

The year 1972 was the third full year of operation of the court structure established by the Court Reorganization Act of 1969. These have been years of activity, experimentation, and accomplishment. A number of routine functions have been consolidated in the Office of the Court Administrator to render services to the entire unified court system. There have also been a number of changes within the various courts throughout the state, some related to the court reorganization and some apart from it. A number of these events are highlighted in the pages which follow.

Court Reorganization Act of 1969

A study was undertaken by the Institute of Judicial Administration in July of 1966 at the request of a Task Force appointed by Governor John H. Chafee to study the state's judicial system. Most of the recommendations of this task force were integrated into the Court Reorganization Act of 1969.

The Act was intended to expedite the administration of justice in the State of Rhode Island. Reorganizing a structure which had remained unchanged since 1905, the Act provided for a number of changes. Four of these had the most immediate and far reaching effect on the day to day operations of the Rhode Island Court System:

- (a) 8-15-1 and 8-14-2 combined the Supreme, Superior, Family

and District Courts into a unified judicial system for purposes of administration and designated the Chief Justice of the Supreme Court as the executive head of the judicial system. The Chief Justice is empowered by 8-14-4 to appoint a Court Administrator and whatever assistants he deems necessary to carry out his administrative direction of the system.

(b) The District Courts, formerly constituted as 12 semi-autonomous, geographically based, courts with part-time judges, were consolidated into one District Court with a Chief Judge and 12 full time Associate Judges.

(c) The jurisdiction of the Superior Court was raised from actions at law where the amount in controversy exceeds \$1,000 to amounts in controversy exceeding \$5,000, with all matters below that amount being brought in District Court.

(d) The Chief Justice of the Supreme Court was given the authority to assign to the Superior or Family Court on a temporary basis a judge of District Court at the request of the Chief Judges of those two courts.

A more detailed description and explanation of these and other changes can be found in the court narrations which follow.

PART I
COURT STRUCTURE

The courts of the State of Rhode Island are divided into three levels: (1) courts of limited jurisdiction, (2) Superior Court of General Jurisdiction, and (3) the Supreme Court. The courts of limited jurisdiction (Family, District) and the Superior Courts are trial courts. The Supreme Court is a court of review; that is, it determines from the record of a trial whether an alleged error made during the trial prejudiced the consideration of the appellant's cause.

The force of a decision of a trial court is limited to the litigants. A decision of a court of review not only affects the litigants, but announces the law on the issue raised. Decisions of the Rhode Island Supreme Court are published and become a part of the law of the State. The Supreme Court is the state court of last resort.

The entire court system in Rhode Island is state established and funded with the exception of the Probate Courts, which are the responsibility of the cities and towns, and the Providence Municipal Court, which is a local court of limited jurisdiction. A summary of the several courts and related agencies follow.

Supreme Court

1. Jurisdiction: Article 10 of the Constitution of the State of Rhode Island provides that "the judicial power of this state

shall be vested in one Supreme Court and in such inferior courts as the General Assembly may, from time to time, ordain and establish". With the above constitutional authority, the General Assembly provides in Title 8, Chapter I, Section II of the Rhode Island General Laws, that the Supreme Court exercise general supervision over the courts of inferior jurisdiction and final revisory and appellate jurisdiction upon question of law and equity: - including the rendering of advisory opinions to the legislative and executive branches of the government and passing upon the constitutionality of laws. In addition to these judicial duties, the Supreme Court also regulates the admission and discipline of members of the Rhode Island Bar.

2. Organization: Title 8 of the Rhode Island General Laws provides for a Supreme Court consisting of a Chief Justice and 4 Associate Justices. In accordance with Article 10, Section 4, of the State constitution, each justice is elected by grand committee of the General Assembly and holds his post until it is declared vacant by resolution of the General Assembly.

It should also be noted that for purposes of administration, the State Law Library has been made part of the Supreme Court.

3. Reorganization Act of 1969: The Reorganization Act did not change the general jurisdiction of the Supreme Court in areas of law and equity. However, the Act did designate the Chief Justice

of the Supreme Court as executive head of the unified judicial system. (Title 8-15-2, R. I. General Laws).

In order to implement the many responsibilities of this new administrative structure, the Chief Justice, in September, 1969, appointed a Court Administrator and a small administrative staff. Working with the Administrators of the Superior and Family Courts, and administrative personnel within the District Court, the OCA has become involved in a number of new programs for the court as well as the day to day administrative operation of the system.

4. Caseloads and Statistics: The courts' general work load has remained relatively constant over the past three years with pending cases showing a slight decline. A breakdown of the courts' major statistics follows:

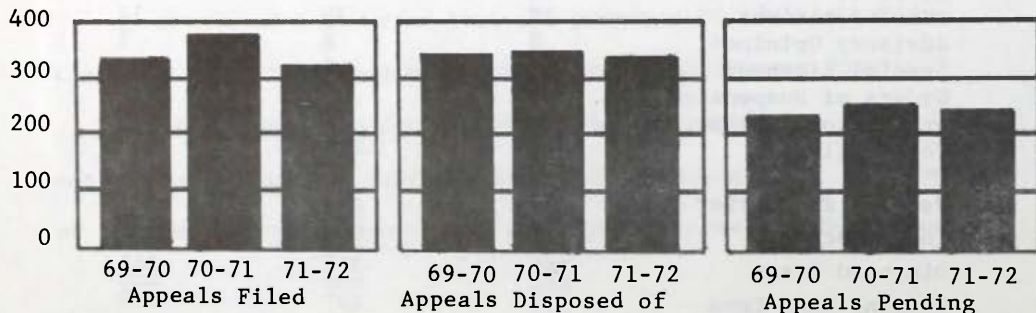
	<u>CASES FILED</u>		
	(by type)		
	<u>1969-70</u>	<u>1970-71</u>	<u>1971-72</u>
Family Court	15	12	8
Certiorari	61	53	85
Zoning	--	--	--
Habeas Corpus	40	42	17
Civil Actions	130	121	121
Criminal Actions	40	72	47
W. C. C.	21	20	24
Misc. Petitions	17	35	11
Advisory Opinions	2	8	3
Special Licenses	3	6	2
Orders of Suspension	2	--	--
Arbitrator Appoint.	--	7	6
Total Filed	331	376	325
Pending from Prior Term	<u>240</u>	<u>227</u>	<u>257</u>
Total Docket	571	603	582
Disposed Cases	<u>344</u>	<u>346</u>	<u>342</u>
Pending Next Term	227	257	240

NUMBER OF APPEALS HEARD

	(by type)					
	<u>1969-70</u>		<u>1970-71</u>		<u>1971-72</u>	
	Grant	Denied	Grant	Denied	Grant	Denied
Civil Actions	24	71	25	61	23	39
W. C. C.	8	3	5	9	3	12
Family Court	3	5	1	3	3	6
Certiorari	16	13	7	6	7	7
Habeas Corpus	2	4	2	4	2	6
Criminal	6	11	8	17	8	18
Petitions	2	0	3	0	3	2
Advisory	1	0	7	0	3	0
Will Const.	5	0	1	0	4	0
Certified Quest.	0	0	0	0	0	3
Further Agrument	0	0	0	2	0	3
Order	1	0	0	0	0	0
Hold	0	0	0	2	0	0
Disciplinary	2	0	0	0	0	0
Sub-Total	<u>70</u>	<u>107</u>	<u>59</u>	<u>104</u>	<u>56</u>	<u>85</u>
Total Appeals Heard	177		163		151	

SUPREME COURT DISPOSITIONS

	<u>1969-70</u>	<u>1970-71</u>	<u>1971-72</u>
Cases Heard	194	210	189
Opinions	(172)	(177)	(176)
Certiorari Denied	35	29	37
Habeas Corpus Denied	20	24	21
Withdrawn or Dismissed	53	47	64
Limited Licenses	--	6	2
Appointment of Arbitrators	--	7	6
Zoning	25	--	--
Other Misc. Pet. Denied	17	23	23
Total Dispositions	344	346	342



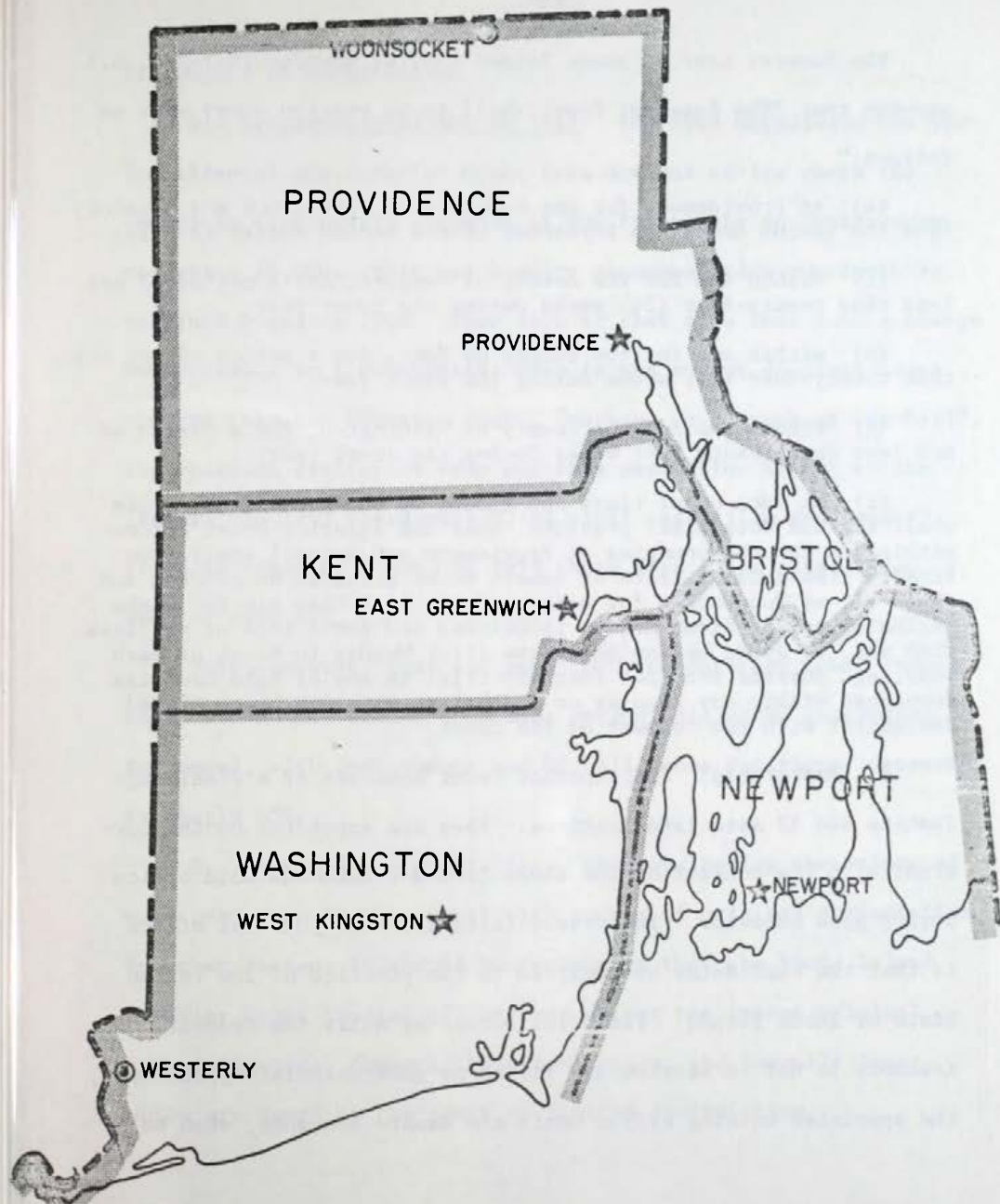
Office of the State Court Administrator

The staff of the Office of the State Court Administrator consists of the State Court Administrator, Deputy Administrator, Business Manager, and a Management Analyst. That staff is appointed by the Chief Justice acting in his capacity of administrative head of the state court system. Personnel, fiscal, and purchasing functions for the entire court system are performed in this office. The office has the responsibility of preparing and managing the budget covering: (1) Supreme Court, (2) Superior Court, (3) District Court and, (4) Family Court, and a number of miscellaneous agencies including the Law Library and Judicial Council. The office also applies for and administers all LEAA grants for the court system. In addition, the office is assigned responsibility for a wide range of miscellaneous management functions, including the development and implementation of management improvement projects in specified areas. These projects are usually jointly developed and implemented by the Office of the Court Administrator and the particular court or courts involved.

Superior Court

1. Jurisdiction: The Superior Court has original jurisdiction of civil matters in excess of \$5,000, and equity proceedings and original jurisdiction of crimes. All indictments found by grand juries are returned to this court. It also has appellate jurisdiction in criminal and civil cases appealed from the District and Probate Courts. In addition, there are numerous appeals and statutory proceedings, such as highway, redevelopment and other land condemnation cases. Concurrently, with the Supreme Court, it has jurisdiction of writs of habeas corpus, mandamus, and certain prerogative writs. Appeals from the Superior Court are heard by the Supreme Court, as described earlier in this report.

2. Organization: The 5 counties of our state are divided by legislative enactment into 4 Superior Court divisions with Providence-Bristol Counties comprising one division. A map showing the counties and their groupings into the Superior Court divisions appears on the following page. The Presiding Justice of the Superior Court has the power to administer the internal activities of his court. As administrative head he establishes calendars, assigns judges, appoints administrative personnel, and makes rules of conduct of the court's business. All personnel, budgeting and purchasing matters, however, are, by virtue of the Court Reorganization Act, now handled by the Office of the Court Administrator.



SUPERIOR COURT

The General Laws of Rhode Island 1969 as amended (8-7-2 G. L.) provide that "The Superior Court shall be in session every year as follows:"

(a) at Providence, for the counties of Providence and Bristol, from the second Monday in September to the second Monday in July;

(b) within and for the county of Newport, for a period of not less than twenty-four (24) weeks during the court year;

(c) within and for the county of Kent, for a period of not less than twenty-four (24) weeks during the court year;

(d) within and for the county of Washington, for a period of not less than twenty (20) weeks during the court year;

(e) at such other times and places as the presiding justice shall fix and determine; provided, that the superior court holden within and for the counties of Providence and Bristol shall from time to time make up lists of causes to be tried at Woonsocket and shall sit at Woonsocket for a term of not less than six (6) weeks beginning on the first Monday in October and for a term of not less than six (6) weeks beginning on the first Monday in March of each year; and further provided that any trial in any of said counties commenced within any regular or special session may be continued thereafter with the consent of the court.

3. Membership: The Superior Court consists of a Presiding Justice and 12 Associate Justices. They are appointed by the Governor with the consent of the Rhode Island Senate and hold office during good behavior. The prerequisite for this judicial office is that the candidates be admitted to the practice of law in the State of Rhode Island. Vacancies occurring while the General Assembly is not in session are filled by gubernatorial appointment, the appointee holding office until the Senate convenes, when he

is subject to confirmation.

4. Reorganization Act of 1969: The 1969 Act altered the jurisdiction of the Superior Court from actions of law where the amount in controversy exceeded \$1,000 to amounts in controversy exceeding \$5,000. This was a major recommendation put forth by the Task Force in 1966. They felt at that time that such a change would result in a substantial drop in the number of civil cases brought into the Superior Court, "perhaps by as much as one-half". The relevant statistics bear out this prediction almost to the letter. In 1965 there were 8,762 civil cases (law and equity) filed in Superior Court; in 1970 there were 4,542 cases filed, a drop of over 48%.

This, however, does not mean that the Superior Court judges have been idle. During this same period, all other categories increased, with Indictments and Miscellaneous Petitions increasing by nearly 45%.

5. Caseload and Statistics: When evaluating the volume of work performed by this court with courts of original jurisdiction in other states, it should be remembered that the Rhode Island Superior Court handles all matters except the lesser criminal and civil cases, domestic relations cases, and juvenile cases which are heard by the court of limited jurisdiction.

CASES FILED BY TYPE
(COMPARATIVE)

Providence-Bristol Counties

	1969	1970	1971	1972
Civil	5,114	3,591	3,678	2,835
Probate Appeals	38	25	38	30
Misc. Petitions	432	380	444	423
Indictments	1,154	1,220	1,618	2,189
Criminal Appeals	1,002	639	853	961
Totals	7,740	5,885	6,631	6,438

Kent County

Civil	583	455	439	465
Probate Appeals	7	32	18	12
Misc. Petitions	56	47	40	63
Indictments	137	372	253	433
Criminal Appeals	119	179	352	264
Totals	902	1,085	1,102	1,237

Newport County

Civil	268	244	273	269
Probate Appeals	4	--	--	3
Misc. Petitions	27	29	21	27
Indictments	203	170	147	243
Criminal Appeals	163	100	132	140
Totals	665	543	573	682

Washington County

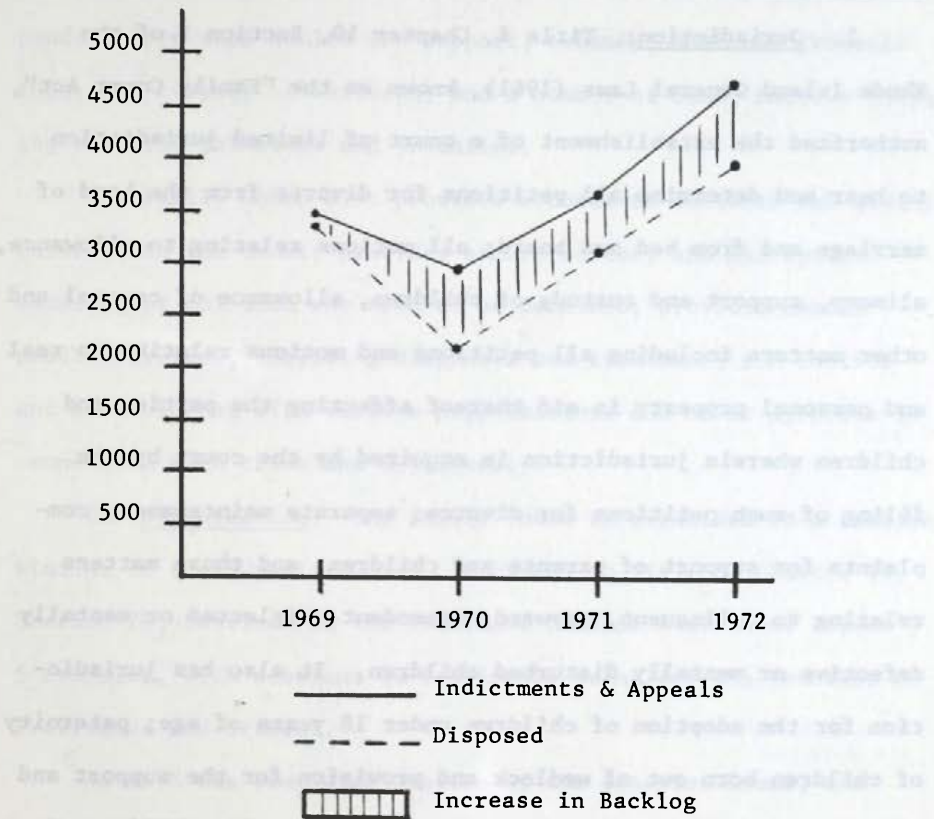
Civil	327	252	256	235
Probate Appeals	7	5	6	10
Misc. Petitions	50	70	97	21
Indictments	252	241	251	256
Criminal Appeals	310	147	167	225
Totals	946	715	777	747

All Counties

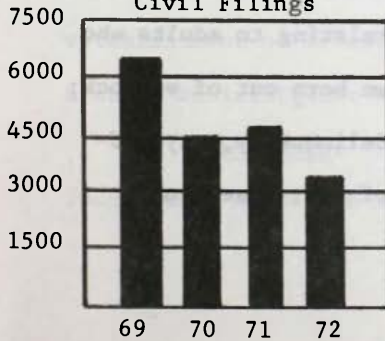
Civil	6,292	4,542	4,646	3,804
Probate Appeals	56	62	62	55
Misc. Petitions	565	526	602	534
Indictments	1,746	2,003	2,269	3,121
Criminal Appeals	1,594	1,065	1,504	1,590
Totals	10,253	8,178	9,083	9,104

-11-
SUPERIOR COURT

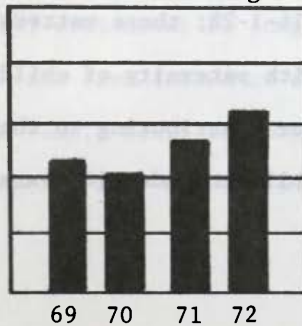
Criminal Caseload



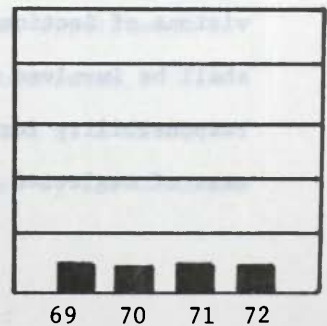
Civil Filings



Criminal Filings



Other Petitions



Family Court

1. Jurisdiction: Title 8, Chapter 10, Section I of the Rhode Island General Laws (1961), known as the "Family Court Act", authorized the establishment of a court of limited jurisdiction to hear and determine all petitions for divorce from the bond of marriage and from bed and board; all motions relating to allowance, alimony, support and custody of children, allowance of counsel and other matters including all petitions and motions relative to real and personal property in aid thereof affecting the parties and children wherein jurisdiction is acquired by the court by the filing of such petitions for divorce; separate maintenance; complaints for support of parents and children; and those matters relating to delinquent, wayward, dependent, neglected or mentally defective or mentally disturbed children. It also has jurisdiction for the adoption of children under 18 years of age; paternity of children born out of wedlock and provision for the support and disposition of such children or their mothers; also child marriages; those matters referred to the court in accordance with the provisions of Section 14-1-28; those matters relating to adults who shall be involved with paternity of children born out of wedlock; responsibility for or contributing to the delinquency, waywardness of neglected children under 16 years of age; desertion,

abandonment or failure to provide subsistence for any children dependent upon such adults for support; truancy; bastardy proceedings, and custody of children; and a number of other matters involving domestic relations and juveniles.

The Family Court also provides counsel to children and adults referred to the court; provides secure custody and therapeutic handling of children who need to be detained; provides mental health services, including diagnosis and treatment; and assists and participates with various organizations and other agencies in connection with crime and delinquency.

2. Organization: The Family Court is organized in a fashion similar to the Superior Court. Pursuant to Title 8, Chapter 10, Section 24, Sessions of the court are held in 4 of Rhode Island's 5 counties, with sessions at Providence being for the counties of Providence and Bristol.

As with the Presiding Justice of the Superior Court, the Chief Judge of the Family Court is responsible for the internal administration of the court. This responsibility includes the establishment of calendars, assignment of judges, appointment of a court administrator and the formulation of court rules.

3. Membership: The Family Court is composed of a Chief Judge and 4 Associate Judges. They are appointed by the Governor

with consent of the Senate and hold office during good behavior. The prerequisite for this judicial position is that the appointee be admitted to practice the law in the State of Rhode Island. As with all Rhode Island trial justices, vacancies occurring while the assembly is not in session are filled by the Governor, the appointee holding office until the Senate convenes, when he is subject to confirmation.

4. The Reorganization Act of 1969: The Act had no effect on the jurisdiction of the Family Court, although it did transfer some budget and personnel responsibilities from the Family Court Administrative Office to the Office of the Court Administrator.

5. Caseload and Statistics:

PETITIONS FOR DIVORCE (FILED)
(by County)

Providence County

	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>
Absolute Divorce	2,023	1,742	2,357	2,567
Bed & Board	497	306	363	331
Totals	2,520	2,048	2,720	2,898

Kent County

Absolute Divorce	449	497	543	626
Bed & Board	96	96	116	90
Totals	545	593	659	716

Newport County

Absolute Divorce	383	356	356	367
Bed & Board	10	34	49	85
Totals	393	390	405	452

Washington County

Absolute Divorce	267	260	288	318
Bed & Board	<u>39</u>	<u>36</u>	<u>42</u>	<u>27</u>
Totals	<u>306</u>	<u>296</u>	<u>330</u>	<u>345</u>
Total (State)	3,764	3,327	4,114	4,411

FAMILY COURT - ADULT HEARINGS

	(by type)			
	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>
Change of Name	--	--	1	--
Non-Support	46	35	14	16
Neglect of Children	36	9	7	11
Out of Wedlock	168	121	70	35
Contributing to W & D	30	43	15	15
Neglect to send...school	<u>1</u>	<u>2</u>	<u>--</u>	<u>--</u>
Totals	281	210	107	77

ADULT REFERRALS

Non-Support	12	38	26	47
Neglect of Children	18	--	2	--
Out of Wedlock	46	--	34	19
Contributing to W & D	17	16	10	9
Neglect to send...school	8	67	--	2
Change of Name	1	1	1	1
Other	<u>8</u>	<u>--</u>	<u>7</u>	<u>9</u>
Totals	110	122	80	87

JUVENILE REFERRALS/HEARINGS

Referrals	7,069	6,805	8,610	8,468
Hearings	<u>9,235</u>	<u>9,421</u>	<u>7,170</u>	<u>10,044</u>
Totals	16,304	16,226	15,780	18,512

CASES HEARD & DECISIONS RENDERED

(Divorce - B&B)

Providence County

Absolute Divorce	1,193	1,142	1,319	1,545
Bed & Board	11	16	12	15
Granted on Motion	43	64	79	64
	<u>1,247</u>	<u>1,222</u>	<u>1,410</u>	<u>1,624</u>
Discontinued	69	15	53	32
Totals	<u>1,316</u>	<u>1,237</u>	<u>1,463</u>	<u>1,656</u>

Kent County

Absolute Divorce	296	262	315	259
Bed & Board	--	4	--	5
Granted on Motion	20	18	14	11
	<u>316</u>	<u>284</u>	<u>329</u>	<u>275</u>
Discontinued	67	43	64	57
Totals	<u>383</u>	<u>327</u>	<u>393</u>	<u>332</u>

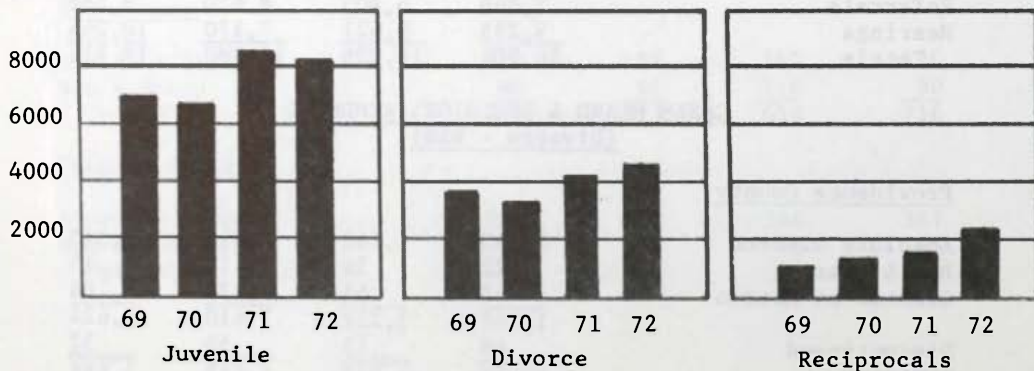
Newport County

Absolute Divorce	158	177	139	190
Bed & Board	2	1	4	3
Granted on Motion	20	11	14	18
	<u>180</u>	<u>189</u>	<u>157</u>	<u>211</u>
Discontinued	15	12	15	14
Totals	<u>195</u>	<u>201</u>	<u>172</u>	<u>255</u>

Washington County

Absolute Divorce	153	132	173	174
Bed & Board	1	2	3	11
Granted on Motion	14	5	8	8
	<u>168</u>	<u>139</u>	<u>184</u>	<u>193</u>
Discontinued	47	13	18	12
Totals	<u>215</u>	<u>152</u>	<u>202</u>	<u>205</u>

Cases Filed



District Court

1. Jurisdiction: The District Court of Rhode Island has exclusive original jurisdiction of all civil actions at law involving \$5,000 or less, misdemeanors, lesser criminal offenses, small claims cases, mental and alcoholic commitments, and any other matters or proceedings which shall be declared to be within its jurisdiction by the General Assembly. The District Court does not hold jury trials, and appeals from decisions are made directly to the Superior Court for trial de novo.

2. Organization: Title 8, Chapter 8 of the Rhode Island General Laws established one District Court with 7 divisions.

The Chief Judge is the administrative head of the District Court and is, therefore, responsible for its operations and the efficient use of its manpower. To this end he assigns judges, designates place or places for holding court, supervises the calendar, and reports annually to the Chief Justice of the Supreme Court on the state of the business of the District Court.

3. Membership: The District Court is comprised of a Chief Judge and 12 Associate Judges who are appointed to serve during good behavior by the Governor, with the advice and consent of the Senate.

4. The Reorganization Act of 1969: Of the State's four courts, the District Court experienced the greatest structural

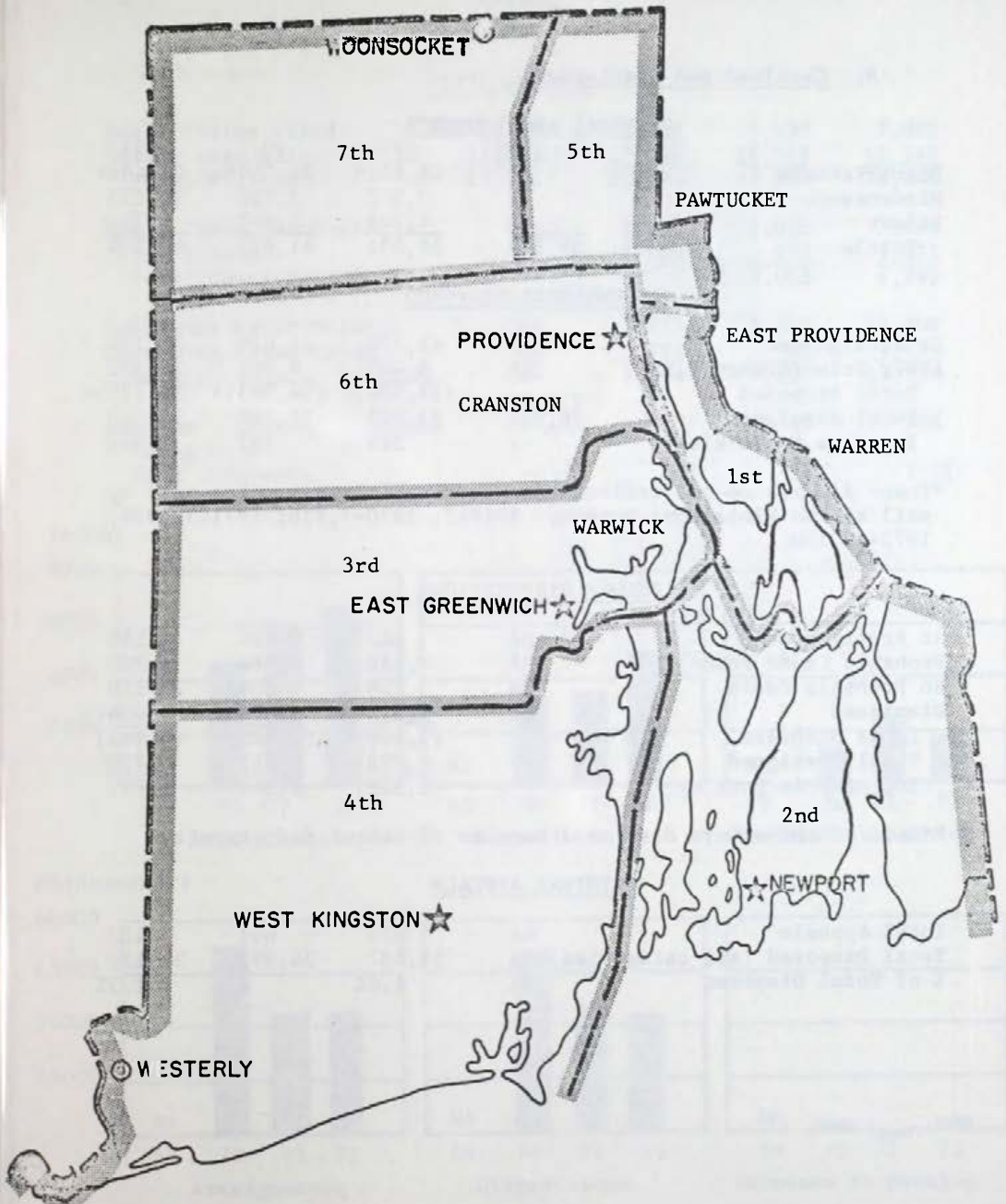
and jurisdictional changes as a result of the Court Reorganization Act of 1969.

Structurally, the District Court was reconstituted as a state-wide court with one of the judges designated as Chief Judge. This was a radical change from the 12 semi-autonomous district courts which had previously existed. A map on the following page shows the alignment of the 7 divisions of the District Court (Note that the 6th Division is further divided in 2 subdivisions.).

Following the logic of these structural changes, the Act established a full time District Court Bench assignable by the Chief Judge from one division to another and also available to serve in the Superior and Family Courts as needed. Since 1969 District Court judges have sat in the Superior and Family Courts for nearly 10,764 judge hours.

The 1969 Act increased the civil jurisdiction of the court to include all matters in controversy involving \$5,000 or less. This had not been increased since 1929 when it went from \$500 to \$1,000, thus, from the standpoint of monetary value alone, a substantial increase nearly 40 years later was clearly called for.¹

¹ It was generally assumed by the 1966 Task Force that a claim of \$1,000 in 1929 would probably be worth \$3,000 to \$4,000 in 1967 currency.



DISTRICT COURT

5. Caseload and Statistics:

CRIMINAL ARRAIGNMENTS

	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>
Motor Vehicle	NA	46,601*	26,050*	23,436*
Misdemeanor	NA	7,302	7,730	10,233
Felony	NA	4,728	6,092	6,730
Totals	<u>58,833</u>	<u>58,631</u>	<u>41,872</u>	<u>40,399</u>

MISDEMEANORS DISPOSED

At Arraignment	NA	47,177	25,629	21,796
After Trial/Change Plea	NA	6,407	9,364	10,333
Total Disposed	--	(53,584)*	(34,993)*	(32,129)*
Total Arraigned	<u>58,833</u>	<u>53,903</u>	<u>35,780</u>	<u>33,669</u>
Increase in Backlog	--	319	787	1,540

*These figures do not reflect the motor vehicle summonses paid by mail to the Violations Bureau: 1969-0; 1970-7,676; 1971-38,996; 1972-47,190

FELONY DISPOSITIONS

At Arraignment	NA	342	284	246
Probable Cause Found	NA	1,488	1,564	1,728
No Probable Cause	NA	256	208	119
Dismissed	NA	1,322**	1,473**	3,086**
Total Disposed	--	(3,408)	(3,529)	(4,933)
Total Arraigned	--	4,728	6,092	6,730
Increase in Backlog	--	1,320	2,563	1,797

**Some of these were dismissed because of secret indictments.

CRIMINAL APPEALS

Total Appeals	NA	879	691	422
Total Disposed (all categories)	NA	53,587	34,993	32,129
% of Total Disposed	NA	1.6%	2%	1.3%

CIVIL ACTIONS

Small Claims Filed	3,105	5,032	5,199	7,023
Civil Cases Filed	12,449	17,150	18,398	19,118
Total Filings	15,554	22,182	23,597	26,141
Small Claim Hearings	NA	2,697	2,086	3,628
Civil Trials	NA	1,069	972	1,171
Total Cases Heard	--	3,776	3,058	4,799
Judgments After Default	NA	3,315	6,249	12,006
Judgments After Trial	NA	791	941	1,131
Totals	--	4,086	7,190	13,137
Appeals	--	15	25	238
% of Appeals from Judgments	--	.4%	.8%	1.8%

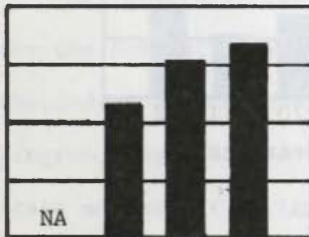
Felony

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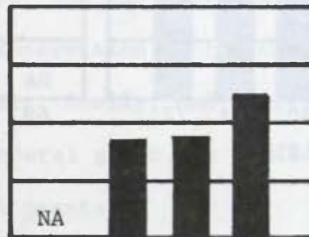
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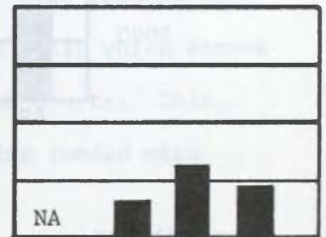
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Arraignments



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Dispositions



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Increase in Backlog

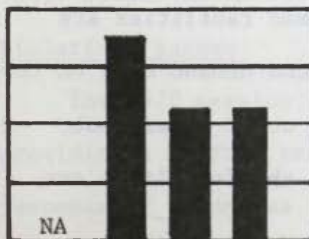
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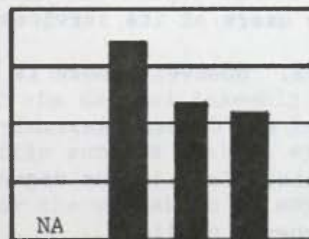
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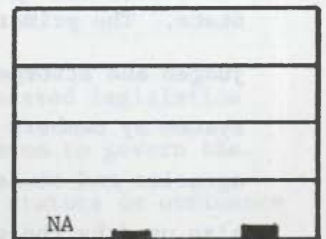
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Arraignments



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Dispositions



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Increase in Backlog

CIVIL ACTIONS

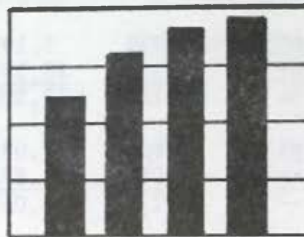
Civil

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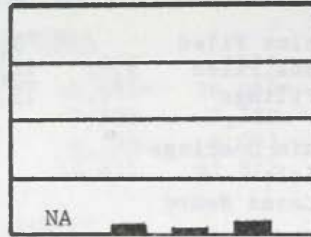
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Filings



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Trials

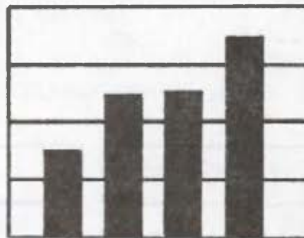
Small Claims

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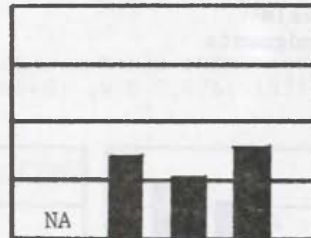
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Filings



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Hearings

Law Library

Under the direction of the Supreme Court, the State Law Library provides an integrated legal reference system for the State. The primary users of its services and facilities are judges and attorneys. However, there is some demand made on the system by members of the General Assembly, other government agencies and students. To a lesser degree the facilities are also used by the general public.

The library is open to all every day, Sundays and Holidays excepted, from nine o'clock in the morning until five o'clock in the afternoon, except during vacation of the courts and on Saturdays, when it may be closed at three o'clock in the afternoon.

All material is for reference only, although provision is made for circulating material to members of the General Assembly and Judges of the several courts.

The library is growing constantly. Since 1969, 4,634 volumes have been added bringing the the library's total volumes to approximately 125,000.

Mr. Edward V. Barlow, the Law Librarian, is also responsible for the scheduling and supervision of Law Clerk Pool, which serves the Judges of the Superior, Family, and District Courts. This program, begun with a federal grant, is now being funded with state monies. (See LEAA grants).

The staff of the State Law Library includes the State Law Librarian, 2 full time assistants and 2 part-time assistants. Their budget is included in the budget of the Supreme Court.

Violations Bureau

The 1970 session of the General Assembly passed legislation providing a uniform traffic summons control system to govern the issuance of summonses for the violation of any statute or ordinance

relating to the operation, control or maintenance of a motor vehicle. At the same time the Legislature directed the Office of the Court Administrator to devise a system and the necessary forms whereby violation of certain enumerated traffic regulations would not require an appearance in District Court but could instead be disposed of by the mail payment of a specified fine.

As directed, the Office of the Court Administrator designed a central Violations Bureau, placing the responsibility for its administration in the hands of the District Court. Since its implementation on October 1, 1971, 60% of the traffic violations which previously required District Court appearances have been disposed of by the pay-by-mail system. Following are workload and revenue figures for the Violations Bureau since its inception in 1970:

<u>Year</u>	<u>VIOLATIONS BUREAU</u> <u>Fines & Costs</u>	<u>Violations</u>
1970	\$ 151,274.00	7,676
1971	733,417.76	38,996
1972	852,086.92	47,190
Total (70-72)	\$1,736,779.08	93,862

Judicial Council

Title 8, Chapter 13 of the General Laws of Rhode Island provides for the creation of a Judicial Council consisting of 6 members of the Rhode Island Bar appointed by the Governor.

This council is organized to submit from time to time for consideration of the justices of the various courts such suggestions in regard to the judicial system of the state as it may deem advisable, and it reports annually to the Governor upon such matters as it desires to bring to his attention or to the attention of the General Assembly.

It has only one employee, paid (\$1,500), on a part-time basis. The members serve without compensation.

1969 - 1971 IN THE COURTS

As this is the first annual report issued for the entire court system since its reorganization in 1969, it was considered appropriate to review the major administrative developments of the 1969 - 1971 period. Those activities have ranged from the establishment of the processes required to carry out basic administrative functions to the development of innovative programs designed to address old problems or meet new needs within the state courts.

Following is a list of the more significant developments in that period. (Projects occurring during this period which were funded with grants from the Law Enforcement Assistance Administration are included in a separate section).

General

1. Centralized Administrative Functions

Title 8, Chapter 15, Section 4 of the Court Reorganization Act assigned the Court Administrator the responsibility of preparing and submitting an annual budget for the unified court system. The Chief Justice, as executive head of the courts, further centralized the system by assigning the more general aspects of personnel and purchasing functions to the Office of the Court Administrator. These three important administrative duties have been lodged with the Court Administrator since the office's inception in 1969, thus elimina-

ting many of the duplications and related inefficiencies within the previously decentralized system.

2. Standardization of Court Forms was carried out as a cooperative venture between the component courts and the OCA. Form design and procurement was formerly the responsibility of each court. This resulted in wide disparities between forms designed for the same purpose, with the attendant inefficiencies in ordering and inventory maintenance, as well as confusion for attorneys and litigants dealing with several courts.

All court forms are now developed jointly by the component court and the OCA. All ordering, storage, and distribution of forms is performed by the OCA. This has resulted in a more effective forms' program at lower relative cost.

3. Capital Equipment Program

For the first time, a comprehensive inventory of capital equipment is maintained for the entire court system. Working with the component courts, the OCA has been able to establish some priorities in the area of equipment acquisition and replacement.

In addition to acquiring new equipment, this program transfers existing equipment from court to court, thus contributing to the general upgrading of court equipment at the lowest possible cost.

4. Records Management

Working closely with the component courts, the OCA has been active in the field of records management and retention. Many cubic feet of older records have been removed to central storage areas from courthouses throughout the state. This has freed badly needed space in these courthouses for other uses while assuring that court personnel and the public will have ready access to all court records. A number of basic changes have also been made in filing systems to bring about more effective systems, often at reduced cost.

As a second part of the effort to alleviate crowded records retention facilities, particularly in the District Court, a program was initiated to dismiss all cases pending in that court for more than ten years. Acting under the authority of Title 9, Chapter 8, Section 4 of the General Laws of the State of Rhode Island (1956), the court has established an annual dismissal of all cases in that category. The first dismissal, in 1970, resulted in the removal of over 85,000 "dead" cases from the District Court files. This not only freed valuable records storage space, but also enabled the District Court to determine an accurate count of pending cases. The program is continuing with an annual dismissal of cases.

Another early development in the District Court was the standardization of case docketing procedures and numbering systems. In addition to making the numbering system consistent within the entire

system for the first time, the accompanying redesign of the docket books enabled us to develop a standardized book which is printed in quantity. Such printing eliminates the previously lengthy delays in back ordering.

5. Statistics and Information Systems

Significant changes have been made in the gathering and analysis of statistics, particularly in the District Court. Prior to 1970, relatively few statistics were collected from the various courts. Those that were collected were annual statistics, usually mandated by state statute. Their accuracy and detail were often inadequate for management purposes. Since 1969 a number of significant changes have been carried out in this area. A comprehensive statistical reporting system has been developed and is operating in the District Court. The development of a similar system has begun in the Superior Court (see Superior Court - 1972). Information is now available to management personnel within the system which is current and meaningful in terms of management decisions (caseload projections, judicial assignments, staffing pattern changes, facility needs, etc.). A further refinement of this system is underway. (see LEAA).

6. Case Flow Management

A constant symptom of the management problems plaguing the courts has been large backlogs of pending cases in all courts.

Measurement and management of judicial workload has been given constant and increasing attention by judicial and non-judicial personnel alike since 1969. A number of projects and programs directed towards the more effective movement of cases have been carried out within the system. Others are still in progress.

In 1970 the calendaring of criminal cases in the Sixth Division of the District Court was completely revamped. As the busiest criminal court in the state, the Sixth Division was plagued with severe backlog and scheduling problems. Scheduling of criminal cases had always been done by the Providence Police Department. This left the court in the awkward position of being held responsible for court backlogs without the authority to control the procedures which were essential to caseload management. The 1970 changes resulted in the assumption of the essential scheduling functions by the court. The revised system provides the court with a much clearer picture of its caseload and enables it to schedule cases considering such significant factors as attorney conflicts, witness availability, and judicial time. The system is not without problems, but it has enabled the court to operate more effectively.

A calendar study was also begun in the Superior Court in 1971 designed to make recommendations and assist in the implementation of calendar system changes which would expedite case movement (see Superior Court - 1972).

7. Court Facilities

Since 1969 a number of adjustments have been made in the location of sessions throughout the court system. These changes have been directed primarily at relocating sessions to more usable facilities located in accordance with population and caseload. This has resulted in the closing of some locations and the opening or expansion of others. As part of that program, District Court sessions in Burrillville, Smithfield, Chepachet, Bristol, Barrington, West Warwick, and Central Falls have been consolidated with other facilities in the same area. The heavy caseload in the Sixth Division Courthouse in Providence was alleviated somewhat by the shifting of a number of jurisdictions to the court facilities in the Cranston Police Station. In the First Division of the District Court, a renovation of the Warren Town Hall enabled us to lease custom-designed facilities for that court.

The growing caseloads in the Kent County area necessitated the finding of additional facilities for the Superior Court. Following the use of a number of interim facilities, the court has obtained rented space in the Hanaford School in East Greenwich for the Superior Court sessions. This has eased the strain on the Kent County Courthouse considerably, but can not be viewed as a long-term solution to the problem as there are serious questions as to the continu-

ing availability and utility of the facility.

A number of other significant developments in the area of court facilities are included in "1972 IN THE COURTS" which follows later in this report.

BENCH-BAR COMMITTEES

The crisis in court administration is clearly demonstrated by the overcrowded criminal calendars, long delays in the trial of civil cases, and increasing case backlogs.

The critical need for immediate and fundamental judicial changes is apparent. To clearly define problems and consider alternatives, Chief Justice Thomas H. Roberts of the Supreme Court initiated a select committee approach to a study of the state's court system.

Four committees, composed of judges, attorneys in private practice, state legislators, and public representatives, were created to examine various aspects of judicial operations including "Court Structure", "Court Facilities", "Legal Operation of the Courts", and "The Jurisprudence of the Future".

The goals and members of the committees were announced at a press conference on November 11, 1971. Justice Roberts stressed that each committee would be made up of younger judges and attorneys, since it is the younger members of the profession who will be required to live and work in the court system as it may be changed as a result of these studies "to cope with the 21st Century".

Three of the four committees included four members of the state judiciary named by Chief Justice Roberts; five lawyers designated by Mr. Edward Hindle, President of the Rhode Island Bar Association; a State Senator appointed by Lt. Governor J. Joseph Garrahy; and a State Representative appointed by House Speaker Joseph A. Bevilacqua. The Commission of Jurisprudence of the Future had a slightly different composition, with a larger portion of civic and religious leaders and representatives of the academic community.

The initial commissions have analyzed a number of specific problems underlying our judicial system, and have submitted reports containing extensive recommendations for change. In the case of the Commission on Court Facilities, and the Commission on Legal Operations, final reports have been written and submitted. The Commission on Court Structure is involved in further deliberations. The Commission on Jurisprudence of the Future, having been formed at a later date, has submitted preliminary reports but as yet has not made recommendations.

A summary of the committees' recommendations to date follows:

1. Committee on Court Facilities: Justice Alfred H. Joslin, Chairman.

The committee found that all facilities in Kent and Washington Counties were insufficient to the needs of the Superior, Family and District Courts. The facilities in Providence-Bristol Counties were found adequate for the needs of the Superior Court but totally inadequate for the needs of the Family and District Courts. The Newport facilities were found to be adequate at this time.

The Committee recommended the construction of a major court facility in the Providence Bristol County area sufficient in size to house the present Family Court, Sixth Division of the District Court, and the Workmen's Compensation Commission. The Committee also recommended the construction of facilities in Kent and Washington Counties, sufficient to house the Superior and Family Courts and the Third Division and a portion of the Fourth Division of the District Court.

A referendum question that would have authorized the issuance of bonds for the construction of these recommended facilities was defeated in the November election. Alternative funding options are presently being explored.

2. Committee on Court Structure: Justice Thomas F. Kelleher, Chairman

The committee endorsed the concept of a unified trial court stating that it felt "the creation of such a court with 31 judges of uniform jurisdiction would contribute significantly to the more

effective functioning of the R. I. Judicial System".

As a means of testing the practicality of such a change, the Committee recommended the establishment of a one-year pilot project during which one or more of the suburban counties would be administered as a unified trial court.

A bill which would have established such a pilot project passed the Senate, but died in the House Judiciary Committee during the 1972 session of the General Assembly. The Committee is continuing its work and expects to submit further legislation to the 1973 General Assembly.

3. Commission on Legal Operations of the Courts: Justice William F. Powers, Chairman

This Committee was appointed to inquire into existing Constitutional or statutory provisions, the repeal or amendment of which could provide more efficient operation of the courts.

The Committee placed emphasis on statutory provisions, feeling that as constitutional changes could not be brought about in the immediate future, it would be more advisable to concentrate on those matters which could be readily attended to in the General Assembly.

The Committee made five specific recommendations concerning legal structure and administration of the Rhode Island Courts:

Abolish County Lines

This would simply mean revising existing statutes so as to provide that the Superior Court could sit for the Counties of Providence, Kent, Bristol, Washington and Newport, in Providence and other places in the state.

Eliminate District Court Division Lines

The Committee concluded that a more efficient operation of the District Court could be achieved by eliminating division lines. As in the case of Superior Court county lines, it would be possible to prepare and schedule calendars in such a manner as to more evenly distribute the caseload of the court.

General Assembly's Re-Evaluation of the Role of the Grand Jury

The Committee suggested that the General Assembly investigate the possibility of statutory amendments to eliminate probable cause hearings in the District Court and refer all such alleged crimes to the Grand Jury directly. The Committee also suggested that the General Assembly reappraise existing sentences in many minor crimes and, by reducing such sentences to a maximum of one year, eliminate the necessity of Grand Jury consideration of these offenses.

Reclassify Minor Violations to Petty Offenses

The Rhode Island General Laws declare a number of minor viola-

tions to be crimes, thus guaranteeing the defendant a trial by jury. However, it has long been established that many of these offenses, particularly motor vehicle violations, do not carry a constitutional guarantee of right to trial by jury. Therefore, a reclassification of such crimes to "petty offenses" would eliminate many jury trials and in so doing reduce the present Superior Court backlog.

Allow Public Defender representation of District Court Indigents

The Committee recommended that the present practice of appointing private counsel in the District Court be abandoned in favor of having the indigent accused represented by the Office of the Public Defender. Legislation to accomplish that was passed by the Rhode Island Senate in the 1972 session, but was not approved by the House of Representatives. Similar legislation is anticipated in the 1973 session.

4. Commission on Jurisprudence of the Future

The Commission on Jurisprudence of the Future held its first meeting this past summer. The Honorable Thomas J. Paolino was appointed chairman of the Commission. The prime objective of the Commission is to determine what direction law will follow in the future, what changes will have occurred by the year 2000, and the impact they will have on court structure.

Since its original meeting, the Commission has divided into 5

subcommittees to deal with topics of criminal law, family law, civil rights and civil liberties, reduction of litigation, and mental illness and criminal responsibility. These subcommittees meet separately and report to the Commission as a whole.

Although a number of progress reports have been issued by the Commission, no recommendations have as yet been put forward.

LEAA PROJECTS

The passage of the Omnibus Crime Control and Safe Streets Act of 1968 signaled the start of the Federal Government's first major effort at providing large scale financial assistance to the states for the prevention and reduction of crime.

The Act created the Law Enforcement Assistance Administration (LEAA) in the Department of Justice, with the mission of providing funds and guidance for state crime prevention and reduction programs. In establishing LEAA, Congress took an approach to federal funding based primarily on block grants awarded in lump sums to states. The recipient states in turn allocate funds, according to a plan submitted for prior approval by LEAA, for their own law enforcement and criminal justice projects.

All states receiving LEAA funds have a specific agency which is required by law to be established as the official recipient agency for federal funds on behalf of the state. Rhode Island's recipient agency is the Governor's Committee on Crime, Delinquency, and Criminal Administration.

Since its inception 3 years ago, the Court Administrator's Office has requested and received approval for 11 subgrants from the Governor's Committee on Crime, Delinquency and Criminal Administration. This funding was used in funding projects designed to

upgrade the administration and ancillary services available to the state judicial system. Although the grants are prepared and administered through the OCA, the actual direction of specific projects is a joint effort of that office and individuals within specific agencies.

All of the specific grants fall within a number of management activity target areas which must be addressed by the courts in the coming years. (Education and Training, Improved Prosecution and Defense Services, Technical Legal Assistance, Application of Technology, Calendar Management, Coordination and Planning, Information needs, and Facility Planning and Development).

The several programs currently underway or in the planning stage are designed to fill specific needs within these target areas. Those programs with brief descriptive material are as follows:

1. Calendar Study - Sixth Division District Court

Funds allocated under this project were used to finance a study of the Calendaring process in the Sixth Division District Court. It was felt by this Office and the District Court that the establishment of a firm calendar process under the control and direct supervision of the Court would help solve the more obvious problems of backlog and calendar breakdown and provide information to prevent the improper holding of defendants. We also expected to gain some

statistical feedback which could be utilized in other areas of Court Administration.

The study began in late 1970. It was carried out by the Resource Planning Corporation of Washington, D. C. The consultants recommended that the control of case assignment be taken from the Bureau of Prosecution of the Providence Police Department and placed in complete control of the Court. They also developed a records system, involving cross indexing of cases. These major recommendations, along with a number of minor changes, were instituted and are presently in operation.

Co-ordinating Agencies: Office of the Court Administrator
District Court

Funding: LEAA \$38,000

State Match: \$25,000

2. Law Clerk Demonstration Project

Until 1971, the only law clerks in the Rhode Island court system were those assigned to the Supreme Court. However, it had long been felt by judges, and other persons connected with the court system, that the availability of law clerks to the judges of the Superior, Family, and District Courts would greatly expedite the flow of judicial business.

The goal of this project was to demonstrate that the availability of these clerks would, in fact, increase the general flow

of cases within the court system. The success of the project is reflected in the state's recent decision to assume full responsibility for its funding.

Co-ordinating Agencies: State Law Library
Office of the Court Administrator

Funding: LEAA \$60,000 (Bloc Grant 1971)

State Match: \$20,000

Present Status: State Support (Full) from February 1973

3. Judicial Seminar Series

Funds allocated under this program are used for the holding of a number of seminars in areas of value to the state judiciary. To date, the OCA has sponsored 3 such seminars: (1) New Approaches to An Effective Judiciary; (2) Management Problems in the Rhode Island Courts; (3) Minimum Standards of Criminal Justice.

The New Approaches Seminar emphasized changing techniques in case management being attempted in other parts of the United States. Speakers from courts in New York City, Illinois, and Washington, D. C. explained new and apparently successful systems in those jurisdictions and speculated on their applicability to the Rhode Island system. Their presentations were followed by discussion among the judges, administrators, and other justice system personnel in attendance.

A second seminar dealt specifically with Management Problems

in the Rhode Island Courts. Attendance at this seminar was composed largely of the Rhode Island Judiciary and centered on a number of specific reports on administrative areas within the Rhode Island courts. Lengthy discussion followed.

The third and by far the largest seminar was devoted to the American Bar Association, Minimum Standards for Criminal Justice. This three-day program was attended by more than 160 judges and judicial administrators from throughout New England. Much of the program material was provided by the American Bar Association as part of their continuing educational program.

Co-ordinating Agency: Office of the Court Administrator

Funding: LEAA \$37,500 (Bloc Grants in 1971 and 1972
Discretionary Grant 1972)

State Match: \$5,000

4. Revised Rules of Criminal Procedures

The protection of the rights of defendants, as well as the expeditious movement of cases, may be assured only by effective criminal rules adopted by the court and known to all members of the Bar. The prime goal of this grant was the preparation of the needed rules. At the time this grant was received, preparation of new rules for the Superior Court had been in progress for some time. The same consultant was employed for preparation of criminal rules for the District Court. This was to insure rule compatibility and

to take advantage of the familiarity with Rhode Island law developed by the consultant during his work with the Superior Court.

Rules for both courts have been prepared and approved. They became effective September 1, 1972. Periodic updating as required to accommodate developments in the law or court administration will be done by the court at state expense.

Co-ordinating Agencies: District Court of Rhode Island
Office of the Court Administrator

Funding: LEAA \$7,500

State Match: \$2,500

5. Calendar Study - Superior Court

This project provided for a comprehensive study of the civil and criminal calendaring system in the Superior Court, primarily in Providence-Bristol Counties. It was designed to result in the preparation and installation of revised systems for the assignment and management of cases which would better meet the needs of the court.

The study was conducted by the Institute for Court Management of Denver, Colorado in co-operation with the Superior Court and the Office of the State Court Administrator. The project extended from October, 1971 to October, 1972 and included detailed study on the part of the Institute for Court Management and Court Staff and re-

sulted in a report including a number of detailed recommendations and systems proposals for changes in the civil and criminal area of court calendaring.

Most of the recommendations in the civil area have been implemented. Recommendations in the criminal area are awaiting further action by the court and administrative personnel.

Co-ordinating Agencies: Superior Court
Office of the Court Administrator

Funding: LEAA \$67,500

State Match: \$22,500

6. Electronic Recording Equipment

This program is designed to measure the impact of sound recording machines upon delays caused by reporter shortages. By relieving some of the burden now on the existing reporter force, we expect to shorten the waiting period between appeal filing and transcript receipt. We also expect to expedite trial progress at the trial court level by eliminating trial delays caused by reporter shortages.

After extensive testing of several machines, the most appropriate machine was selected. It is a relatively sophisticated machine which enables the operator to record courtroom proceedings on six different tracks from six independent locations within the

courtroom. The recording may be played back for transcription simultaneously on an individual track basis.

The recording equipment has been received and some of it is now operational. To date, it has enabled us to free two reporters formerly assigned to the Grand Jury for other assignments. We expect to expand machine use in the coming months.

Co-ordinating Agencies: Superior Court Administrator
Family Court Administrator
Office of the Court Administrator

Funding: LEAA \$22,500

State Match: \$7,500

7. Court Security Systems

This program provided for the creation of an isolation room between criminal courtrooms 8 and 9 in the Providence County Courthouse which may be used for the detention of unruly defendants. A monitor for each courtroom is located in the detention room, allowing the defendant to hear all testimony in his case.

Photo identification cards are being issued to all court employees through the OCA in order to tighten courthouse security in the area of building access and courtroom proceedings.

Co-ordinating Agencies: Superior Court Administrator
Office of the Court Administrator

Funding: LEAA \$3,000

State Match: \$1,200

8. Law Student Intern Program

This program provides an opportunity for 10 3rd-year law students to spend the summer prior to their final year in law school and a portion of that school year working with either the Attorney General or the Public Defender. The interns have proven a great asset to both the Attorney General and the Public Defender. They have been used in all areas of these offices, including research, preparation of briefs, trial preparation, and defendant interviews. The program is continuing under the supervision of the Public Defender and the Attorney General.

Co-ordinating Agencies: Office of the Attorney General
Office of the Public Defender
Office of the Court Administrator

Funding: LEAA \$30,000

State Match: \$19,000

9. Continuing Judicial Education

This project is designed to offer the opportunity for advanced judicial training to judges in the District, Superior and Family Courts, at the National College of the State Judiciary in Reno, Nevada, the American Academy of Judicial Education in Tuscaloosa, Alabama, or other appropriate institution. Thirteen judges from the Superior and District Courts and the Administrator and Clerk of the Superior Court have received training under this grant to

date. It is a continuing program with which we expect to provide more opportunities for legal and administrative training for judicial system personnel.

Supporting Agency: Office of the Court Administrator

Funding: LEAA \$30,250 (Bloc grants 1971, 1972)

State Match: \$12,500

10. Judicial Security Division

In May, 1971, the Governor's Committee on Crime, Delinquency and Criminal Administration approved a grant of \$21,745 for equipping a judicial security force in the Providence County Courthouse. The force of 8 uniformed officers, trained at the State Police Academy, were to be paid with state funds amounting to approximately \$70,000 in the first year.

The basic premise underlying the creation of this force was to improve the general security of the courthouse for the public, witnesses, defendants, and court personnel. The force was recruited and trained during fiscal 1971 with interim financing. However, financing for fiscal 1972 was removed from the judicial budget by the Legislature and the force was dissolved. Three thousand dollars of the money granted by the Governor's Committee on Crime, Delinquency and Criminal Administration was later applied to specific court security projects. The remainder lapsed to the Governor's

Committee.

Co-ordinating Agencies: Supreme Court
Superior Court
Office of the Court Administrator

Funding: LEAA \$21,745

State Match: \$68,000

11. Family Court Institute

Funds allocated under this project were used to conduct a public information seminar by the Family Court. The overall purpose of the program was to bring to the community a better understanding of the role of the court and its impact on the lives of all the people of Rhode Island.

The greater part of the program was devoted to the problems of the Juvenile Court with emphasis on the correctional functions.

Co-ordinating Agencies: Family Court

Funding: LEAA \$6,343

State Match: \$5,750

12. Prosecution Services (Sixth Division District Court)

In 1970 the Resource Planning Corporation of Washington, D. C. conducted a study of the case scheduling system in the Sixth Division of the District Court.

One of the major recommendations of this study was that the Sixth Division in Providence assign a full-time prosecutor to its

criminal calendar.

Agreeing with this recommendation, the Office of the Court Administrator, the District Court, and the City of Providence, applied for an LEAA demonstration grant limited to one year (1971-1972). It involved funding for the employment of one full-time prosecutor and one clerical assistant. Personnel were selected by the City, but worked only in the Sixth District Court.

The full-time prosecutor worked closely with the court, the Providence City Solicitor and the Providence Police in processing criminal matters. He proved particularly useful in coping with the major problem of scheduling conflicts within the overcommitted defense bar, as well as providing a continuing responsibility for the screening and pre-trial preparation of criminal cases.

The project has proven quite successful. Since its beginning the backlog of criminal cases in that court has been reduced from 2,477 to 1,582. A significant portion of this reduction can be attributed to this pilot project. However, during the same period, the Providence Police have instituted a policy of taking some felony cases directly from the District Court to the Grand Jury prior to preliminary hearing in the District Court. It is difficult to estimate the proportional impact of these two developments, but it is obvious that the joint impact has been beneficial.

Continued state funding for the program did not prove feasible, but the City of Providence has refunded the project for 1973 by application to the Governor's Committee on Crime, Delinquency, and Criminal Administration.

Co-ordinating Agencies: Office of the Court Administrator
Providence City Solicitors Office
Sixth Division District Court

Funding: LEAA \$21,000

State Match: \$7,000

1972 IN THE COURTS

The past year has been one of continuing cooperation and progress within the Rhode Island Court System. Beyond the normal progress of judicial business every court has been actively engaged in a wide range of activities directed towards increasing the effectiveness of the delivery of court services to the citizens of Rhode Island. Following is a court by court summary of major program areas within each of the courts and throughout the system. It is by no means meant to be an exhaustive account of the year in each court. It does, however, provide a picture of the prime activities of the court system during 1972.

Personnel Changes

This year saw an unusually large number of changes in significant positions within the court system. A summary of the major changes follows.

Superior Court

Presiding Justice John F. Mullen retired on March 21, 1972, after twenty-four years of service to the bench. Appointed in 1948, Justice Mullen has been Presiding Justice since 1966. During his tenure as Presiding Justice, the Court made a number of significant studies in its efforts to increase its effectiveness. New

rules of civil and criminal procedure were developed and approved. The size of the Court was increased from 11 to 13. A number of administrative experiments, notably the continuous civil jury trial calendar, were instituted.

Justice Mullen was succeeded by Justice Stephen A. Fanning. A twenty-year veteran of the Court. Justice Fanning became its tenth Presiding Justice. However, Presiding Justice Fanning held his new post only six months, retiring on September 7 after 22 years of service on the bench.

Deeply involved in local government in his native Cumberland prior to his appointment to the bench and active in the practice of law, Justice Fanning brought a wealth of experience to the Court.

Justice Joseph R. Weisberger succeeded Justice Fanning in September, 1972. A sixteen-year veteran of the Superior Court, Justice Weisberger became its eleventh Presiding Justice.

A noted legal scholar and educator, Justice Weisberger brings a vast amount of experience to his new post.

Prior to his appointment as an Associate Justice in 1956, Justice Weisberger was deeply involved in civic organization and government.

Francis J. Fazzano is the newest Superior Court Justice. Sworn in by Governor Frank Licht on March 28, 1972, Justice Fazzano brings

a rich background in law and public service to the bench. A native of West Warwick, Justice Fazzano has served as an Assistant Attorney General and most recently as Director of the Rhode Island Department of Transportation.

Mr. Robert A. Coogan, Superior Court Administrator, retired on March 22, 1972 after 35 years of state service. He assumed the court post in 1952 following time spent in a private law practice and service as an Assistant Attorney General.

Mr. John Hogan of Cumberland was appointed by Presiding Justice Fanning to replace Robert A. Coogan as Superior Court Administrator on April 3, 1972. Mr. Hogan came to the position with a solid background in state government. In his 9 years as a member of the House of Representatives, Mr. Hogan held a number of responsible posts, including Chairman of the House Finance Committee.

Since assuming his new post, Mr. Hogan has attended a special training program at the Institute of Court Management and will become a Fellow of the Institute when he completes his course work in the summer of 1973.

Mr. Louis Carlone, Clerk of the Superior Court, Providence-Bristol Counties, passed away on August 13, 1972, following a heart attack. A long time court employee, Mr. Carlone's death brought words of regret from all that knew him.

Mr. Joseph Q. Calista, succeeded Mr. Louis Carlone as Clerk of the Superior Court, Providence-Bristol Counties, being sworn in by Governor Licht on September 8, 1972. Besides bringing fourteen years of experience as an Assistant and First Deputy Clerk, Mr. Calista also carries the distinction of having received a Fellowship from the Institute of Court Management

Family Court

John J. O'Neil retired on March 1, 1972 after 10 years as Administrator of the Family Court. Appointed to the position at the court's beginning in October, 1961, Mr. O'Neil is largely responsible for the Administrative structure of that Court as it exists today.

Charles E. Joyce was appointed Clerk-Administrator of the Family Court, succeeding Mr. Joseph Wholey as Clerk and Mr. John O'Neil as Administrator. Legislation combined the two posts last year. A member of the Rhode Island Bar, Mr. Joyce has recently served as an Assistant Legal Counsel in the Department of Social and Rehabilitative Services.

District Court

Joseph M. McLellan, Chief Clerk of the District Court, passed away on March 27, 1972, following a brief illness. A veteran court employee, Mr. McLellan had served in both the Superior and Family

Courts prior to his appointment as Chief Clerk in 1969.

Raymond D. George, succeeded Joseph M. McLellan as Chief Clerk of the District Court. He was sworn in by Governor Licht on April 27, 1972. Mr. George brings a number of years of government experience to his new position, having served at various times with the State Departments of Health and Social Welfare, with the State Board of Elections, the Council of Defense, and most recently in the Department of Administration.

Administrative/Legal Highlights

Supreme Court

This year was a period of revision and adjustment for the Supreme Court, especially in the area of judicial/legal procedures and ethics.

The Court approved the revision of the Criminal Rules for the District and Superior Courts and also its own appellate rules. These changes became effective on September 1, 1972 approximately one year after the Court ordered their revision.

The Supreme Court also adopted the American Bar Association's Code of Professional Responsibility. In the past, the Rhode Island Bar Association has followed the ABA Standards, but have lacked punitive authority over anyone outside of the Association. The Court's adoption of the Code has established for the first time

a Code of Ethics enforceable under law.

Similarly, the Court has adopted a Code of Judicial Ethics modeled after the equivalent ABA Standards.

Superior Court

This year saw the beginning of some significant management changes within this court resulting in great progress in the area of case dispositions. Faced with an evergrowing backlog in both the civil and criminal calendars, the Court committed itself to the development and operation of a "continuous" civil calendar for jury trial matters. Designed to eliminate the uncertainty inherent in the old "day-certain" calendar, the system was developed by the Court and begun in September, 1971. Desiring a more comprehensive view of its total calendar system, the Superior Court and the Office of the State Court Administrator contracted with the Institute for Court Management of Denver, Colorado for a thorough review of the civil and criminal calendaring systems within the Court. Details of the study and system changes are found in the summary of LEAA projects elsewhere in this report. However, the net result of this study and related independent efforts by the Court has been the first measurable decrease in the total of pending civil cases.

A second major activity area of the court this year has been the preparation and implementation of new rules of criminal proced-

ure. Beyond the legal ramifications of a major rule overhaul, the administrative changes involved in the development of forms and courtroom/clerk's office procedures were significant. The new rules were effective September 1, 1972.

The Court continued its involvement in a continuing education program. Virtually all the Justices participated in the seminars sponsored by the Court and the Office of the State Court Administrator and in the annual Rhode Island Judicial Conference. Two Justices of the Court attended basic or graduate courses at the National College of the State Judiciary in 1972. Joseph Q. Calista, Clerk of the Providence-Bristol County Superior Court and John Hogan, Superior Court Administrator attended the Institute for Court Management for advanced administrative training. A number of court personnel were enrolled in coursework intended to increase their effectiveness.

Family Court

The Family Court is confronted with a number of problems, many of which are caused, in part, by increasing caseloads and inadequate space. However, during the past year the Court has introduced a number of innovations it feels will reduce delay in domestic matters and also recidivism in juvenile matters.

The first change came in the area of Court procedure. Under

the direction of the Family Court Administrator, a revision of the Divorce Rules of Practice and Procedure was completed. This will undoubtedly result in the streamlining of practice and procedures related to all divorce cases.

The court is also in the process of reorganizing and reconstructing the Intake Department which is the nerve center of the Juvenile Division of the Court. It is hoped that by the end of 1974, 50% of all referrals to the Court will be disposed of at the Intake level by diverting juveniles to community based organizations.

Recognizing that alcohol plays a significant role in the cause of divorce, the court submitted a proposal to the Department of Mental Health, Retardation and Hospitals to fund a division within the Family Court, the purpose of which will be to launch a direct attack upon this very serious illness.

The drug problem among juveniles continued to increase in 1972. The Court has united all resources available to it in a continuing fight against this dreadful affliction, and it will continue to do so.

There is a need for more adequate facilities in all locations of the Family Court. However, in 1972 the problem became so acute in Kent County that it was necessary to transfer all Kent County

cases, domestic and juvenile, to Providence. This transition has been smoothly effected. In fact, it has enabled the Court to actually increase the number of weeks for hearing domestic cases from 11 to 18 and to increase the number of days for the hearing of juvenile cases from 20 to 40.

With the aid of judges transferred from the District Court, the Family Court was able to establish a Continuous Contested Divorce Calendar, which has been needed for the past 11 years.

After a full year of operation, the "volunteers in Probation" program has proven quite successful. Organized on a wholly evaluative basis, the 25 active volunteers work on a one-to-one basis with juvenile offenders.

District Court

The District Court is Rhode Island's youngest Court. As a result of this unique position, the Court has experienced many administrative and procedural changes during the past year.

In September of 1972, the Court's first rules of criminal procedure took effect. It is still too early for a valid appraisal of these rules; however, the Court feels that they will eventually not only improve the procedural efficiency of the Court but also improve the process of justice.

Nineteen Hundred and Seventy-Two also saw the installation of new case folder filing equipment in many of the courts. The new equipment differs from the old in that it provides for case folder storage or shelves as opposed to file drawers, thus accommodating more file folders per foot of floor space. As many of the District Court offices are very short on office space, this feature has had a considerable impact on filing space in some areas.

In late 1971, the Sixth Division of the District Court began experimenting with a new dismissal procedure to combat the congestion caused by the Providence Police Department's "secret indictment process". The procedure calls for the Providence Police to notify the Court in writing if they are presenting a case to the Grand Jury for a "secret indictment". The Court then places the case on a "60-day dismissal calendar". After 60 days, if the police have not asked for a continuance, or if a true bill has not been returned, the case is dismissed.